

**REMARKS**

Claims 6-11 are all the claims pending in the present application, claims 1-5 having been canceled and new claims 10 and 11 having been added<sup>1</sup>. The previous prior art rejections have been withdrawn, however the Examiner adds new references Epstein (U.S. Patent No. 6,478,229) and Ferguson et al. (U.S. Patent Application Publication No. 2004/0125040) in combination with some of the previously applied references to continue to reject the claimed invention. Specifically, claims 1 and 3-9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Winter et al. (U.S. Patent Appln. Pub. No. 2005/0021172) in view of Epstein. Claims 6-8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Winter and Epstein, and in further view of Conwell et al. (U.S. Patent Appln. Pub. No. 2005/0221704). Claims 1 and 3-9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ferguson in view of Winter. Claims 6-8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ferguson and Winter, and further in view of Conwell<sup>2</sup>.

**§103(a) Rejections (Winter/Epstein) - Claims 1 and 3-9**

Claims 1 and 3-9 are rejected over the combination of Winter and Epstein based on the reasons set forth on pages 3-5 of the present Office Action.

Claims 1, 3, 4, and 5 are canceled, as indicated herein, without prejudice or disclaimer.

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<sup>1</sup> Applicants submit that the claim amendments should not require further search and/or consideration.

<sup>2</sup> The Examiner actually indicated in the Office Action that claims 6-8 are rejected over Ferguson, Epstein, and Conwell, however Applicants believe that the Examiner intended to indicate that the rejection is based on the combination of Ferguson, Winter, and Conwell.

Applicants traverse the rejections of the other claims at least based on the following reasons.

With respect to independent claim 9, Applicants previously argued that the previously applied reference Winter does not disclose or suggest at least, “wherein the RFID tag is interposed between at least two sheets constituting the bar code sheet layer,” as recited in claim 9. In the present Office Action, the Examiner acknowledges that Winter does not satisfy this feature, however the Examiner alleges that the new reference Epstein makes up for this particular deficiency of Winter. The Examiner cites Fig. 2 and col. 3, lines 50+ of Epstein as allegedly satisfying the above quoted feature of claim 1. In response, Applicants submit that even if Epstein shows an RFID tag interposed between two sheets, there is still no teaching or suggestion of the specific feature of a bar code sheet layer being constituted by at least two sheets. The Examiner has utilized impermissible hindsight reasoning in concluding that because Epstein simply shows an RFID tag between two sheets, that one of ordinary skill in the art would have arrived at the novel feature of an RFID tag being interposed between at least two sheets constituting a bar code sheet layer. There is no teaching or suggestion in either of the applied references, either alone or in combination, of this particular feature. Therefore, Applicants submit that claim 9 is patentably distinguishable over the applied references.

With respect to independent claim 6, Applicants submit that the applied references, either alone or in combination, do not disclose or suggest the specific combination of features set forth in amended claim 6. For example, Applicants submit that the applied references do not disclose or suggest at least the following features, “the bar code label and the RFID tag are attached to a side of the tire,” “the bar code label comprises a first sheet member and a second sheet member,” “a front surface of the first sheet member is provided with a bar code,” “a rear surface of the

second sheet member is provided with an adhesive layer,” “the RFID tag is interposed between the rear surface of the first sheet member and the front surface of the first sheet member,” and “the adhesive layer functions as an adhesive when being attached to the tire and exhibits a bonding effect by curing,” as recited in amended claim 6.

Applicants submit that claims 7 and 8 are patentable at least by virtue of their dependencies from independent claim 6.

*§103(a) Rejections (Winter/Epstein/Conwell) - Claims 6-8*

With respect to independent claim 6, Applicants submit that the applied references, either alone or in combination, do not disclose or suggest the specific combination of features set forth in amended claim 6. For example, Applicants submit that the applied references do not disclose or suggest at least the following features, “the bar code label and the RFID tag are attached to a side of the tire,” “the bar code label comprises a first sheet member and a second sheet member,” “a front surface of the first sheet member is provided with a bar code,” “a rear surface of the second sheet member is provided with an adhesive layer,” “the RFID tag is interposed between the rear surface of the first sheet member and the front surface of the first sheet member,” and “the adhesive layer functions as an adhesive when being attached to the tire and exhibits a bonding effect by curing,” as recited in amended claim 6.

Applicants submit that claims 7 and 8 are patentable at least by virtue of their dependencies from independent claim 6.

*§103(a) Rejections (Ferguson/Winter) - Claims 1 and 3-9*

Claims 1 and 3-9 are rejected over the combination of Ferguson and Winter based on the reasons set forth on pages 5-7 of the present Office Action.

Claims 1, 3, 4, and 5 are canceled, as indicated herein, without prejudice or disclaimer.

With respect to independent claim 9, Applicants submit that this claim is patentable at least based on reasons similar to those set forth above with respect to the rejection of claim 9 over the combination of Winter and Epstein.

With respect to independent claim 6, Applicants submit that neither Ferguson nor Winter, either alone or in combination, discloses or suggests the specific combination of features set forth in amended claim 6. For example, Applicants submit that the applied references do not disclose or suggest at least the following features, “the bar code label and the RFID tag are attached to a side of the tire,” “the bar code label comprises a first sheet member and a second sheet member,” “a front surface of the first sheet member is provided with a bar code,” “a rear surface of the second sheet member is provided with an adhesive layer,” “the RFID tag is interposed between the rear surface of the first sheet member and the front surface of the first sheet member,” and “the adhesive layer functions as an adhesive when being attached to the tire and exhibits a bonding effect by curing,” as recited in amended claim 6.

Applicants submit that claims 7 and 8 are patentable at least by virtue of their dependencies from independent claim 6.

§103(a) Rejections (Ferguson/Winter/Conwell) - Claims 6-8

With respect to independent claim 6, Applicants submit that neither Ferguson, Winter, nor Conwell, either alone or in combination, do not discloses or suggests the specific combination of features set forth in amended claim 6. For example, Applicants submit that the applied references do not disclose or suggest at least the following features, “the bar code label and the RFID tag are attached to a side of the tire,” “the bar code label comprises a first sheet member and a second sheet member,” “a front surface of the first sheet member is provided with a bar code,” “a rear surface of the second sheet member is provided with an adhesive layer,” “the

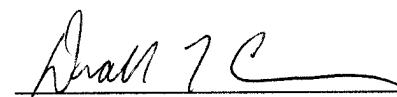
RFID tag is interposed between the rear surface of the first sheet member and the front surface of the first sheet member,” and “the adhesive layer functions as an adhesive when being attached to the tire and exhibits a bonding effect by curing,” as recited in amended claim 6.

Applicants submit that claims 7 and 8 are patentable at least by virtue of their dependencies from independent claim 6.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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